

# Tennessee Board of Dentistry



## Newsletter



Winter 2004

A regulatory agency of the State of Tennessee

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The Board of Dentistry has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, public welfare demanding it. *Policy Statement Adopted May 1998*



### Continuing Education

The Board's Administrative Office has received many telephone calls regarding continuing education (CE) requirements. There seems to be some confusion about when the cycle starts and ends, if a provider is approved, and how many hours are due.

The changes to the CE requirements were made to comply with the statutory amendments to T.C.A. §63-5-107(c)(1) which changed the CE requirements from an annual (yearly) requirement to a biennial (every two years) requirement. The new rules require all dental professionals (including all registered dental assistants) to complete the required CE hours **biennially starting January 1, 2003**. The changes are as follows:

- Each licensed dentist must successfully complete 40 hours of approved CE biennially. At least two hours of the 40 hours are to be in the area of chemical dependency education.
- Each licensed dental hygienist must successfully complete 30 hours of approved CE biennially. At least two hours of the 30 hours are to be in the area of chemical dependency education.
- Each registered dental assistant must successfully complete 24 hours of approved CE biennially in courses concerning procedures which are delegable or assignable to registered dental assistants. At least two hours of the 24 hours are to be in the area of chemical dependency education.
- Even if a chemical dependency course is more than a two hour course, every hour that is taken as credit will count toward your required hours. Example: Licensee takes a 10 hour chemical dependency course, all 10 hours will count toward the 40, 30 or 24 hours that are required.
- Every CE cycle will run from January of an odd-numbered year to December of an even-numbered year. Examples are as follows:
  - January 1, 2003 – December 31, 2004
  - January 1, 2005 – December 31, 2006

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### ACLS/PALS Requirements For Anesthesia/Sedation Permits

The Rules of the Board of Dentistry require that all dentists who hold a limited or comprehensive conscious sedation or deep sedation/general anesthesia permit maintain current certification in ACLS (a pediatric dentist may substitute PALS).

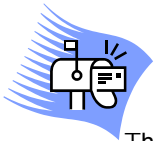
When dentists with an anesthesia or sedation permit renew their dental license, they are required to renew the permit. The signature of the licensee on the renewal form is attesting that they are in compliance with all continuing education requirements (which includes ACLS/PALS certification or board approved comparable course) and in compliance with the general rules for conscious sedation or deep sedation/general anesthesia.

Dentists who apply for a limited or comprehensive conscious sedation permit are not required to show proof of ACLS or PALS certification upon initial application unless they will be providing conscious sedation for children thirteen (13) years of age and under, in which case they must show proof of adequate training in pediatric resuscitation, which the Board has determined as being PALS certification.

Dentists who apply for a deep sedation/general anesthesia permit are required to show proof of ACLS or PALS certification upon initial application if providing deep sedation/general anesthesia for children thirteen (13) years of age and under, in which case they must show proof of adequate training in pediatric resuscitation, which the Board has determined as being PALS certification.

The Board determined at the October 22, 2004 Board Meeting that Oral and Maxillofacial Surgeons are not required to show proof of PALS certification since they receive adequate training in pediatric resuscitation within their residency training.

A copy of the full text of the Anesthesia and Sedation rules, as amended, is available in the "Rules and Regulations" section of the Board's web site. 🦷



## Returned Mail and Address Changes

The Board's Administrative Office receives returned mail every day due to address changes and unclaimed certified mail. When mail is returned with notification from the U.S. Postal Service of a new address, we change the address in our files and re-mail the letter to the new address.

If a new address is not given by the Post Office and we have not been notified in writing of an address change, then the returned mail is filed in the person's licensure file or application file. We receive renewal applications, renewal certificates, newsletters, etc. back without addresses. If the renewal application is returned and the licensee does not realize that it is time to renew, then the license will expire and the licensee will not be legal to practice in the State of Tennessee in their profession. **The renewals are mailed to the last address on file, but by rule, failure to receive the renewal application does not relieve the licensee from the responsibility of meeting all requirements for renewal.** If the licensee practices for more than three months on an expired license they can be fined and/or disciplined.

When we mailed out the Fall 2004 Newsletter, we received over 500 newsletters back as returned mail. We were able to re-mail more than half of these, but at the cost of additional postage for re-mailing. The labels for newsletters are printed 2-4 weeks prior to the newsletter being mailed, so we know that we will always have returned newsletters, but the sooner address changes are reported, maybe the number of returned newsletters will drop, which will save additional postage.

If certified mail is unclaimed, it is not re-mail but filed in the person's licensure file or application file. Some of the items sent certified mail are deficiency letters regarding additional information required for an initial application, a permit/certification application, renewal application and examination information when an exam has been failed. If the person does not claim their certified mail, they will not know what additional information is required or receive the information to retake an examination. An example of the problems unclaimed certified mail causes is if a licensee does not sign their renewal application, we send a certified letter with a copy of the renewal application requesting the signature of the licensee. If the licensee does not claim their letter, they do not know that their license has not been renewed and that license will expire and the licensee will be required to pay the current renewal fee, all back fees, a reinstatement fee of \$750 for dentist, \$200 for dental hygienist, and \$100 for dental assistants and if the licensee has been practicing for more than three months on the expired license, a penalty of \$100 for dentist, \$75 for dental hygienist, and \$50 for dental assistants for every month the licensee practiced on an expired license. As you can see, it is very important for certified mail from the Board to be claimed. Some people call the Board's Administrative Office asking us what the letter says instead of claiming the letter. **We will not tell you over the phone what the letter says, you need to go pick it up.** If, once you have claimed the certified letter, you have questions about the letter, you can call for clarification or to verify that the deficient items have not been received in the time between the date of the letter and when you claimed the letter. Letters are sent certified for a reason, that reason is that we need proof that you received the letter.

It is important that **all** address changes are reported, either in writing or by changing the address online via the licensure renewal site, within 30 days or less of the address change. When reporting address changes in writing, please either type or clearly print the address change. We have received address changes that we could not read clearly and this can cause incorrect addresses. We normally try to call the

person when this happens, but if we do not have a correct phone number or cannot read the new phone number, we can only change the address to the address that we think is correct and hope we deciphered the handwriting correctly.

There have also been instances where the person submitting the address change does not put their name (or any other identifying information) on the letter requesting the change, only their signature. As you all know, some people's signature is unreadable. If we cannot read the signature, we do not know whose address we are to change. Please put your name, profession and license number (or file number if your application is not approved) on all correspondence.

If you want to verify that we received and changed your mailing address, please visit the Licensure Verification section of the Board's website so you can verify that the mailing address on file is the most current address and that it is keyed correctly. Practice addresses are not viewable online except on the practitioner profile for dentist. All dentists should verify that the practice address on the practitioner profile, along with all other information on the profile, is correct. Any changes to the profile should be sent to the following:

Healthcare Provider Information Manager  
First Floor, Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010  
Fax: (615) 741-6962

The dentist can print the screen showing the current profile information and make the changes on the copy then mail or fax the changed copy for the corrections to be made. 🦷

### CHANGES OF ADDRESS

Must be reported in writing or by web within 30 days!

- **Your name and license number;**
- **Your profession;**
- **Your new address and phone number, e-mail address, and/or your fax number; and**
- **Your SIGNATURE!**

Board's Fax Number: 615-532-5369 or [tennessee.gov/health](http://tennessee.gov/health).



## Rules Update

The Board of Dentistry had two sets of new rules that became effective October 4, and November 10, 2004.

The October 4<sup>th</sup> rule amended the duties of the consultant to the Board and defined the duties of the rotational consultants and specialty consultants. This rule also deleted in the criteria approval licensure process for dental hygienist the requirement of a letter from their physician when applying for licensure.

The November 10<sup>th</sup> rule amends Rule 0460-1-.06, Disciplinary Actions, Civil Penalties, Procedures, Declaratory Orders, Assessment of Costs, and Subpoenas. The procedures and petitions for an Order of Compliance and Order Modifications are some of changes in this new rule.

A copy of the full text of the effective rules, as amended, are available in the "Rules and Regulations" section of the Board's web site normally within two weeks of the effective date.

The Board has finalized rules regarding mobile dental clinics, nursing home patient treatment and records and restorative and prosthetic certification process and courses for dental hygienist and dental assistants.

The Board has proposed rules on volunteer practice, specialty certification by reciprocity and local anesthesia certification process and courses for dental hygienist.

Once the finalized rules and proposed rules have been approved and filed with the Secretary of State's office, you will be notified of the effective date in a future newsletter. 🦷



## Disciplinary Action

The Board, at its meetings in September and October of 2004, took the following disciplinary actions:

### **Adams, John David C. – License No. DS 4548**

Violation of an Order of the Board. Respondent's license was revoked and he was ordered to pay costs.

### **Branch, Roderick A. - License No. DS 5071**

Unprofessional conduct and failure to comply with a request for records within ten working days upon written request by the patient or a patient's authorized representative. Respondent was reprimanded.

### **Hinds, William David - License No. DS 3730**

Unprofessional conduct and violation of any criminal statute of the state of Tennessee. Respondent's license was revoked and he was ordered to pay costs.

### **Jackson, D. Carl – License No. DS 8035**

Unprofessional conduct, disciplinary action in another state for acts or omissions which would constitute grounds for discipline of a person licensed in this state and failure to update practitioner profile within 30 days after a reportable action. Respondent was reprimanded.

### **Johnson, Cory J. - License No. DS 7320**

Unprofessional conduct, disciplinary action in another state for acts or omissions which would constitute grounds for discipline of a person licensed in this state, gross malpractice and failure to keep dental records in such a manner that a subsequent treating dentist can readily ascertain the treatment provided. Respondent's license was suspended until such time that he is able to demonstrate to the Board that his Georgia dental license is in good standing, and he was ordered to pay costs.

### **Kogan, Eleonora – License No. DS 7554**

Unprofessional or dishonorable conduct and violation of statutes. Respondent's license was suspended until such time that the respondent submits to a mental examination pursuant to the Order to Compel or a reviewing court overturns the Order to Compel, assessed civil penalties in the amount of \$2000 and ordered to pay all costs.

### **Lowe, Gertrude – Not licensed**

Operating a place where dental operations or dental services are performed without a dental license and willfully and knowingly practicing dentistry, by operating a dental clinic, without a license. Respondent was assessed civil penalties in the amount of \$54,000. This penalty was stayed by the Board until the May 12, 2005 meeting at which the Respondent will appear and report as to the ownership and operation of the dental office. If the office has been sold or permanently closed, the penalty is cancelled and no longer due. The Respondent must appear at the January 26, 2005 meeting to report on the progress toward the sale or closing of the office. If, at the May 12, 2005 meeting (or any subsequent hearing should the Respondent's deadline be extended), the Board finds that the Respondent has neither sold nor closed the practice, the civil penalties assessed will become immediately due and payable and the Department may seek further civil penalties at the rate of \$1000 per day for any further period of practice of the clinic by the Respondent.

### **Muscari, Paul V. - License No. DS 2797**

Unprofessional, dishonorable and unethical conduct, violation of statutes, a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice, dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, and violation of the rule that requires all auxiliary personnel to be certified in Health Care Provider Life Support when antianxiety premedications are being administered. Respondent's license was placed on three years probation, required to report in person at the September board meeting each year of the probation to show compliance, a random audit of his dental records and a random pharmacy audit will be performed by the Department each year of the probation, he must attend a risk management/recordkeeping course and a prescribing course and the respondent was ordered to pay costs.

### **Stinson, Eugene - License No. DS 5043**

Unprofessional conduct and violation of retention of dental records rules. Respondent was reprimanded.

### **Thompson, Albert P. - License No. DS 2743**

Unprofessional, dishonorable, or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; engaging in the practice of dentistry when physically unable to safely do so; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work which can be done legally only by a licensed person; permitting any dental hygienist or dental assistant to perform any acts or services other than those specifically assignable or delegable. Respondent's license was placed on probation for three years with terms and conditions and he must pay civil penalties of \$100 and costs. ☹



## Licensure Verification

Verifications on any dentist, dental hygienist, dental assistant or any other health professional can be obtained online thru the Department of Health's homepage or the Board's website by entering the first and last name or last name only of the licensee and the profession in which the person is practicing after clicking on Licensure Verification. The information that is available online is as follows:

- Name of the licensee
- Mailing address of the licensee
- License number
- Profession (dentist, dental hygienist, dental assistant, etc.)
- Rank (same as profession or unapproved applicant)
- Qualifications (Limited or Comprehensive Conscious Sedation, Deep Sedation/General Anesthesia for dentists, Administration of Nitrous Oxide for dental hygienists, Nitrous Oxide Monitoring, Sealant Application, or Coronal Polishing for dental assistants)
- Status (Active or Inactive)
- Original date of licensure
- Expiration date of license
- Disciplinary actions taken by the Board
- Practitioner profile (dentists only)

Anyone can access this system 24 hours a day online. Licensees can check the status of their own license, the mailing address on file with the Board, etc. and employers can verify the status of the licenses of their employees and the qualifications (coronal polishing, nitrous, etc.) that the employee is legally permitted to perform. The public, hospitals and insurance companies can also verify the license of any dental professionals with this system and see what, if any, disciplinary action has been taken against a licensee.

There is also a telephone verification system that can be accessed using the licensee's social security number and this system will fax a standard verification letter to the fax number the caller enters. The verification letter does not have specific disciplinary action list, only information regarding if the licensee has or has not been disciplined by the Board. Detailed summaries of the action can only be obtained online. The numbers to call for the telephone verification system are 1-800-778-4123 or (615) 532-3202 and listen for the option to verify a license.

Licensees who are applying for licensure in other states may request verification of their Tennessee license **be mailed** to the other state upon written request. The information contained in the verification is the same information contained in the standard verification letter that is available through the telephone verification system but it is also signed by a staff member and is stamped with a seal. ☹



## Continuing Education

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- **New licensees** are exempt from CE requirements during their initial two calendar year cycle starting with an odd-numbered year if the license was issued during an odd-numbered year **or** with the preceding odd-numbered year if the licensee was issued in an even-numbered year. Example: If a dentist or dental hygienist was licensed or a dental assistant was registered in the year 2003 or 2004, the CE cycle would start January 1, 2005.
- **CPR certification does not count toward CE hours.** Each licensee is required to obtain CE hours and maintain current CPR certification.

Licensees can complete all of the hours in either year during the cycle **or** complete some of the hours in one year of the cycle and the rest in the other year. It is up to the licensee as to when they get the required hours as long as they are completed by December 31, 2004.

- ❖ **Hours obtained in one cycle do not carry over into the next cycle.** Example: A dentist completes 50 hours before December 31, 2004. That dentist cannot carry over the extra 10 hours into the 2005 – 2006 CE cycle.
- ❖ **Continuing education cycles are not the same as renewal cycles. Renewals are based on a birthday renewal cycle.** Licenses expire the month of your birthday either in an even year **or** an odd year, based on whether you were born in an even or odd year. In contrast, the CE cycle will **always** run from January of an odd year to December of an even year.
- ❖ **When licensees sign their renewal application upon renewal (including online renewals), they are attesting that they have completed all requirements for renewal.** This includes an attestation that they have completed the required CEs and that their CPR card is current. For licensees who renew before the end of a CE cycle, they are attesting that the requirements for the previous CE cycle were completed (if they were required to complete CEs during the previous cycle). Example: Any licensee who signs his or her renewal application between January 1, 2005 and December 31, 2006 is attesting that the hours required during the 2003-2004 cycle were completed (unless he or she was initially licensed in the years 2003-2004).
- ❖ **Attesting to attendance and successful completion of the required CE hours which in any way is not true will subject the licensee to disciplinary action** (Rule 0460-1-.05(2)(e)).
- ❖ **CE hours used to reinstate or reactivate a license cannot be re-used as hours required during the CE cycle in which the licensee is reinstated or reactivated.**
  - An example of the above is as follows: A dentist who reinstates October of 2004 cannot find all of his credit hours for the 2001 and/or 2002 CE cycle. He decides to use hours obtained in either 2003 or 2004 to “make up” his hours in order to reinstate. He uses 13 hours of the 42 hours they obtained in 2003/2004 to count for 2002. This will leave the dentist with only 29 hours for the 2003/2004 cycle. The dentist will now need to complete 11 additional hours by December 31<sup>st</sup> to insure compliance with the requirements for 2003/2004.
  - If the licensee used part of the hours on a certificate for “make up” he or she will not be able to count any hours from that certificate for the

current cycle. So, if he or she uses two certificates to “make up” 2002 hours for reinstatement or reactivation that are for eight hours each, then the one extra hour cannot be “split” between cycles and be counted for 2003/2004. All hours on the two certificates would count as hours used to reinstate or reactivate, even if more than required. Licensees with active licenses cannot “make up” hours that they do not complete in the previous cycle.

- Individuals who are reinstating their licenses to active status are permitted to “make up” the CE hours which they missed while their licenses were inactive. The hours used to “make up” CE required for reinstatement can not be used in the CE cycle that is ongoing at the time of reinstatement.
- Licensees who are reactivating are required to have completed the hours required for reactivation within the preceding 12 months.

Rule 0460-1-.05(7)(c) also prohibits licensees who are required to complete additional educational hours as a result of compliance with the terms of a settlement or a Board Order in any disciplinary action from counting those hours toward the CE hours required during a CE cycle.

Rule 0460-1-.05(3)(d) outlines which courses are automatically approved by the Board. Any course approved or sponsored by any of these organizations will be accepted as CE hours in Tennessee. The rule reads as follows:

(d) The following courses need not receive prior approval and shall constitute Board approved continuing education courses:

1. Courses sponsored or approved by any of the following organizations:
  - (i) American Dental Association (ADA) or its Constituent or Component Societies.
  - (ii) Academy of General Dentistry (AGD) or a State Affiliate.
  - (iii) American Dental Hygienists' Association or its Constituent or Component Societies.
  - (iv) Any National, Regional or State Academy or Association of any of the recognized specialty branches of dentistry listed in T.C.A. §63-5-112.
  - (v) National Dental Association or its Constituent or Component Societies.
  - (vi) National Dental Hygiene Association.
  - (vii) Capital City Dental Society.
  - (viii) American Dental Assistants' Association or its Constituent or Component Societies.
  - (ix) Tennessee Dental Hygienists Academy of Advanced Study.
  - (x) Tennessee Department of Health.
2. Educational courses sponsored by an accredited school of dentistry, dental hygiene, or dental assisting. If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.
3. Ten (10) hours of continuing education credit during the two (2) calendar years (January 1st of an odd-numbered year through December 31st of the subsequent even-numbered year) that precede the licensure or registration renewal year shall be given for general attendance at state, regional, or national dental meetings. These hours are in addition to any continuing education courses attended at any of those meetings.

## Continuing Education

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4. Four (4) hours of continuing education credit shall be given each time a licensee participates as an examiner for S.R.T.A.
5. Courses in Advanced and Pediatric Cardiac Life Support that are sponsored by the American Heart Association or the American Red Cross. However, the hours awarded for such courses shall not be counted towards the CPR requirements of this rule.

An example would be if a course provider is approved by the ADA CERP program, the Board would accept any course completed through that provider.

If a provider or sponsor of a CE course is not approved or sponsored by one of the organizations listed on page 4 in (d)1., then the provider can request approval of the course(s) from the Board as outlined in the Rule 0460-1-.05(3)(a) at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course. The course cannot be held before the Board meets to approve the course.

If an individual licensee takes a course that is not approved or sponsored by a provider listed on page 4 in (d)1. or the Tennessee Board of Dentistry, the licensee can request individual approval as outlined in Rule 0460-1-.05(3)(b). The rule reads as follows:

(b) Course approval procedure for individual licensees and registrants.

1. Any licensee or registrant may seek approval to receive credit for successfully completing continuing education courses by complying with the provisions of subparagraph (3) (a).
2. To retain course approval, the licensee or registrant must submit a course evaluation form, supplied by the Board, to the Board's Administrative Office within thirty (30) days after successfully completing the course.

The rules also provide the format in which CE courses can be presented. Rule 0460-1-.05(3)(c) is as follows:

(c) Continuing Education courses may be presented in any of the following formats:

1. Lecture.
2. Audio or audiovisual - with successful completion of a written post experience examination to evaluate material retention if correspondence course.
3. Correspondence - with successful completion of a written post experience examination to evaluate material retention.
4. Any combination of the above.

The rules also outline the requirements for CRP certification and the organizations which are approved providers. Rule 0460-1-.05(4) reads as follows:

(4) Cardio Pulmonary Resuscitation (CPR)


- (a) Each dentist, dental hygienist, and dental assistant must attest, check a box, and/or enter signature when applying for biennial renewal of licensure or registration, which indicates current training in basic CPR.
- (b) The hours necessary to obtain or maintain CPR shall not be counted as continuing education hours.
- (c) Each dentist, dental hygienist and registered dental assistant must retain independent documentation of CPR training for a period of three (3) years from the end of the calendar year in which the training is received. Such proof must be produced for inspection and verification, if requested in writing by the Board during its verification process.

(d) The following organizations are approved by the Board for CPR training:

1. The American Red Cross
2. The American Heart Association
3. Programs offered in hospital settings
4. Any organization which receives approval of specially designed CPR courses from the Board after its review.

The Board also has the authority in Rule 0460-1-.05(5) to grant waivers of CE and CPR certification when a licensee is physically unable to complete the requirements. Waivers would be effective for one year unless otherwise requested and approved.

Hopefully the information contained in this article will alleviate any confusion regarding CEs and CPR certification. Anyone who has questions can call the Board's Administrative Office for more information.

A copy of the full text of the rules, as amended, is available in the "Rules and Regulations" section of the Board's web site. 

### Instructions for Accessing the Board's Web Site


- ▶ <http://tennessee.gov/health>
- ▶ Licensing
- ▶ Health Professional Boards
- ▶ Select "Board of Dentistry"



## Health Care Provider Life Support for Auxiliary Personnel

The rule governing Anesthesia and Sedation in 0460-2-.07 requires auxiliary personnel to be certified in Health Care Provider Life Support in the following situations:

- ❖ Antianxiety premedication – A dentist using antianxiety premedication must employ auxiliary personnel who are certified in Health Care Provider Life Support.
- ❖ Limited or Comprehensive Conscious Sedation – Members of the operating team must be trained for their duties according to protocol established by the dentist and must be currently certified in Health Care Provider Life Support.
- ❖ Deep Sedation/General Anesthesia - Members of the operating team must be trained for their duties according to protocol established by the dentist and must be currently certified in Health Care Provider Life Support.

Every licensee/registrant should read the rule, which is available on the Board's website, governing Anesthesia and Sedation to ensure compliance with the rule. The rule also covers nitrous oxide inhalation analgesia in addition to antianxiety premedication, anesthesia and sedation. 



Tennessee Board of Dentistry  
First Floor, Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010



**Report all address changes in writing within 30 days of the address change.**

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**Tennessee Board of Dentistry  
Board Members as of November 30, 2004**

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